

CHAPTER 61 CLOSURE OF UST SYSTEMS AND OUT-OF-SERVICE UST SYSTEMS

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6100 TEMPORARY CLOSURE

- 6100.1 For purposes of this section, "temporary closure" means taking a tank out of service for any reason, so that the tank is not being used to receive or dispense product.
- 6100.2 When an UST system is temporarily closed, the owner or operator of the UST system shall comply with the requirements of this section.
- 6100.3 A heating oil tank or emergency generator tank shall not be deemed temporarily closed until fifteen (15) months after it was last used to receive or dispense product.
- 6100.4 The owner or operator of an UST system shall inform the Director and the District of Columbia Fire Chief in writing of the temporary closure within seven (7) days of the date the tank is temporarily closed.
- 6100.5 During the period when an UST system is temporarily closed, but still contains regulated substance, the owner and operator shall continue the operation and maintenance of corrosion protection in accordance with §5901 and release detection in accordance with the provisions of Chapter 60.
- 6100.6 If a release is suspected or confirmed during the period when the UST system is temporarily closed, the owner and operator shall comply with the applicable requirements of Chapter 62.
- 6100.7 Within ninety (90) days of the date that an UST system is temporarily closed, the owner or operator shall do the following:
- (a) Empty the UST system of all regulated substances and keep the system empty for the balance of the temporary closure period. The UST system shall be deemed to be empty when all substances have been removed using commonly employed practices so that either of the following is achieved:
 - (1) No more than two and one-half centimeters (2.5 cm) of residue remains in the system; or
 - (2) No more than three-tenths of one percent (0.3%) by weight of the total capacity of the UST system remains in the system;

- (b) Ensure that all vent lines are open and functioning; and
 - (c) Cap and secure all other lines, pumps, manways, and ancillary equipment.
- 6100.8 Except as provided in §§6100.9 and 6100.10, the owner and operator shall begin procedures to permanently close the UST system in accordance with the requirements of §6101 at the end of twelve (12) months after the UST system is temporarily closed.
- 6100.9 If the UST system meets either the performance standards for new UST systems set forth in §§5700 through 5704 or the requirements for upgrade of UST systems set forth in §§5800, 5801 and 5802, the owner or operator may submit a written request for an extension to the Director and the Fire Chief, not less than thirty (30) days before the expiration of the twelve (12) month temporary closure period.
- 6100.10 The Director and Fire Chief may approve a request for extension of the twelve (12) month temporary closure period limit for additional twelve (12) month periods. In making this determination, the Director shall consider the reasons for the original temporary closure, the reasons for the request for extension, the nature of the site and the surrounding neighborhood, the potential for harm to the environment from an extended temporary closure and delayed reopening of the UST system, the potential for abandonment of the site, and other relevant factors.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §13 of the District of Columbia Underground Storage Tank Management Act of 1990, as amended, D.C. Law 8-242, D.C. Code §6-995.1 *et seq.* (1995 Repl. Vol.), Mayor's Order 91-160 dated October 9, 1991; and the District of Columbia Water Pollution Control Act of 1984, D.C. Law 5-188, D.C. Code 6-921 (1995 Repl. Vol.), Mayor's Order 85-152 dated September 12, 1985).

SOURCE: Final Rulemaking published at 40 DCR 7835, 7878 (November 12, 1993).

6101 PERMANENT CLOSURE OR CHANGE-IN-SERVICE

- 6101.1 When an UST system is to be permanently closed, or if the UST system will undergo a change-in-service, the owner or operator of the UST system shall comply with the requirements of this section.
- 6101.2 Not less than two (2) weeks before beginning either a permanent closure or a change-in-service of an UST system, the owner and operator shall notify the Director and the Fire Chief of the intent to permanently close or make the change-in-service. Notice shall not be required if such action is taken pursuant to a corrective action plan approved by the Director.
- 6101.3 In complying with the requirements of this section, owners and operators of UST systems shall follow a code of practice developed by a nationally recognized association or independent testing laboratory, as specified by the Director.
- 6101.4 To permanently close a tank, the owner and operator shall empty the tank, if not already emptied during the temporary closure period, and clean it by removing and properly disposing of all liquids and all accumulated sludges in compliance with any and all applicable laws and regulations.

- 6101.5 Each tank that is closed permanently shall be removed from the ground and notice given to the Director as provided in §5603, unless a variance is granted by the Director and the Fire Chief.
- 6101.6 A variance may be granted, in the discretion of the Director, when removal of the tank is likely to cause substantial structural damage to buildings or other improvements on the property, or there are other compelling circumstances which make removal of the tank unfeasible. Where a variance is granted, the tank shall be filled with an inert solid material.
- 6101.7 The continued use of an UST system to store a non-regulated substance shall be considered a change-in-service. Before each change-in-service, the owner or operator shall empty and clean the tank by removing and properly disposing of all liquid and all accumulated sludge in compliance with any and all applicable laws and regulations.
- 6101.8 After notifying the Director and the Fire Chief under §6101.2 and before the permanent closure of a UST system or a change-in-service of a UST system is completed, the owner or operator of the UST system shall conduct a site assessment of the excavation zone to measure for the presence of a release in the areas where contamination is most likely to be present at the UST site.
- 6101.9 In selecting sample types, sample locations, and measurement methods for the site assessment, the owner or operator shall consider the method of closure, the nature of the stored substance, the type of backfill, the depth to ground-water, and other factors appropriate for identifying the presence of a release.
- 6101.10 If contaminated soils, contaminated ground-water, or free product as a liquid or vapor is discovered during the site assessment, the owner or operator shall begin corrective action in accordance with the applicable provisions of Chapter 62.
- 6101.11 Any contaminated soils, excavated during removal of a UST or in undertaking corrective action, which are stockpiled on site shall be treated or properly disposed of within thirty (30) days, unless an extension is approved by the Director.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7878 (November 12, 1993).

6102 OUT-OF-SERVICE UST SYSTEMS

- 6102.1 If the Director determines that any release or suspected release from an UST system that was abandoned, removed, or permanently closed before December 22, 1988, poses a current threat or potential threat to human health and the environment, the Director may direct the owner or operator or any other responsible party of the UST system to assess the excavation zone and close the UST system in accordance with the provisions of this section.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7881 (November 12, 1993).

6103 CLOSURE RECORDS

- 6103.1 Each owner or operator shall maintain records in accordance with §5602 of this subtitle that are capable of demonstrating compliance with closure requirements under this chapter.
- 6103.2 The results of an excavation zone assessment required under §6101.8 shall be maintained, in accordance with the provisions of §5602 for at least three (3) years after completion of permanent closure or change-in-service by one (1) of the following methods:
- (a) By the owner or operator who took the UST system out of service;
 - (b) By the current owner or operator of the UST system site; or
 - (c) By delivering the records to the Director, in accordance with the provisions of §5602.

SOURCE: Final Rulemaking published at 40 DCR 7835, 7881 (November 12, 1993).